

# Exhibit 3

**S.L., a minor by and through the Guardian, ET AL. vs COUNTY OF RIVERSIDE, ET AL.  
Shawn Hubacheck on 12/18/2024**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3  
4 S.L., a minor by and through the )  
Guardian Ad Litem Kristine Llamas )  
5 Leyva, individually and as successor- )  
in-interest to JOHNNY RAY LLAMAS, )  
6 deceased; V.L., by and through the )  
Guardian Ad Litem Amber Snetsinger, )  
7 individually and as successor-in )  
interest to JOHNNY RAY LLAMAS, )  
8 deceased; and CAROLYN CAMPBELL, )  
individually, )  
9 )  
Plaintiffs, )  
10 )  
vs. ) Case No.  
11 ) 5:24-CV-00249-CAS-SP  
COUNTY OF RIVERSIDE; and DOES 1-10, )  
12 inclusive, )  
13 Defendants. )  
\_\_\_\_\_ )  
14 )  
15 )

16 REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF  
17 SHAWN HUBACHECK  
18 TUESDAY, DECEMBER 18, 2024  
19  
20  
21  
22

23 Reported Stenographically By:  
24 Jinna Grace Kim, CSR No. 14151  
25 Job No.: 116557

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1 Q. Okay. So before the date of the incident, had you  
2 ever seen a suspect with a gun in their hand before?

3 A. Yes, sir, I have.

4 Q. Do you have an estimate or a range as to how many  
5 times?

6 A. I would say a couple dozen.

7 Q. Were you trained that you could shoot someone merely  
8 for seeing a gun in their hand, that fact alone?

9 A. No, sir, I was not trained that.

10 Q. And I'm sure you've seen other weapons in suspect's  
11 hands before; knives and other objects?

12 A. Yes, sir.

13 Q. Prior to the date of the shooting we're here to talk  
14 about, had you ever been present for an officer-involved  
15 shooting before?

16 MR. RAMIREZ: I'll object as to relevance. It may  
17 invade his police personnel privileges.

18 But he can answer yes or no at this point.

19 THE WITNESS: Yes.

20 BY MR. GALIPO:

21 Q. Have you -- had you been involved -- and this is  
22 just a yes or no at this point -- in officer-involved  
23 shootings before?

24 MR. RAMIREZ: I'll object same objections.

25 But you may answer yes or no.

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1 Q. It has the way you can make it fully automatic, but  
2 it was set on semiautomatic?

3 A. Yes, sir.

4 Q. When you fired your shots in the case we're here to  
5 talk about, were you shooting at a particular person?

6 A. Yes, sir.

7 Q. And who was that person, if you know?

8 A. Mr. Llamas.

9 Q. And when you fired your shot, do you have an  
10 estimate as to the distance between you and Mr. Llamas?

11 A. I believe 40 to 50 yards.

12 Q. And I know we're in football season, but doing some  
13 simple math, are we talking a 120 to 150 feet?

14 A. Yes, sir. Roughly.

15 Q. I only asked you because in my last case, the  
16 officer kept getting confused between yards and feet, and he  
17 happened to be an ex-football player.

18 So I was joking with him about that.

19 MR. RAMIREZ: Right. I think he has a CTE,  
20 possibly.

21 MR. GALIPO: Right.

22 BY MR. GALIPO:

23 Q. And what part of -- I'll let you take your sip.

24 A. Sorry.

25 Q. That's okay. What part of Mr. Llamas' body were you

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1 aiming at when you fired your one shot?

2 A. His upper thoracic area, upper body.

3 Q. And from your perspective was that his front, his  
4 back, or some other part?

5 A. I believe it was the front of his body.

6 Q. So would you have been aiming at his chest-stomach  
7 area?

8 A. Correct.

9 Q. Were you stationary or moving when you fired?

10 A. I was stationary.

11 Q. And was Mr. Llamas stationary or moving when you  
12 fired?

13 A. He was moving.

14 Q. And in what manner was he his body moving?

15 A. I'm not sure I understand what you're asking.

16 Q. It's not a clear question.  
17 So that was a good point.

18 Was he walking or running as far as his legs?

19 A. He was walking.

20 Q. And which direction was he walking?

21 A. In a westerly direction.

22 Q. And would that be walking away from you, towards  
23 you, or in some other way?

24 A. I would say kind of like perpendicular to us.

25 He's 50 yards in the front, walking towards my left

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1 his head?

2 A. During the time that he had the weapon to his head,  
3 he was in the street in front of me, and there was commands  
4 given to him. He was looking in our direction, and then at  
5 one point Mr. Llamas kind of pointed to the ground, like, you  
6 know, you want me to give you up here, but as he did that, he  
7 still had the weapon to his head.

8 Q. During any of the time he had the weapon to his  
9 head, did you think based on your training and experience it  
10 was appropriate to shoot him?

11 A. No, sir.

12 Q. And is that essentially because with the gun to his  
13 head, it was not an immediate threat of death or serious  
14 bodily injury to others?

15 A. To myself or others. Yes, sir, that's correct.

16 Q. So am I understanding you correctly that at one  
17 point when he had the gun to his head, it looked like he was  
18 gesturing towards the ground near him as if to say, do you  
19 want me to get down here?

20 A. That's just an assumption based on what I saw from  
21 the distance that I was at, but yes, he did kind of point to  
22 the ground, and it appeared to me like, you know, you want me  
23 to lay down here, but he did not lay down.

24 Q. And when he pointed to the ground, would he have  
25 pointed with his left hand?

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1 A. That's correct.

2 Q. Did any one of the three of you, if you know, have  
3 less-lethal with them or out?

4 A. With it -- there's two different things.

5 With them or out?

6 Q. Another good point. Let's start with them.

7 Do you know if there was any less-lethal in the  
8 units?

9 A. I know there was less-lethal in the units, yes.

10 Q. And what less-lethal were you aware of?

11 A. Pepper spray, 40-millimeter impact munitions.

12 I carry some steam ball grenades, flash bangs.

13 That's all I could think of off the top of my  
14 head.

15 Q. Was anyone assigned less-lethal at that point?

16 A. During that -- you're talking about the same point  
17 that observations of the gun, you said?

18 Q. Yes.

19 A. No, sir. Nobody was assigned less-lethal.

20 Q. And when did you shoot in relation to this  
21 approximate 60-second window that you observed him with the  
22 gun to his head?

23 A. So after Mr. Llamas pointed to the ground, he fled  
24 north from his location. And then we -- Deputy McGuire and I  
25 ended up going on foot to -- Mr. Llamas ran down a dirt

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1 driveway of an address located at 22240 River Road.

2 So Deputy McGuire and I ran on foot to that -- the  
3 threshold of the street and the driveway, and then that's  
4 where the deputy-involved shooting occurred.

5 Q. So would it be correct that there were no shots  
6 fired before he started running north on the driveway?

7 A. To be clear, there were no shots fired from law  
8 enforcement. That's correct.

9 Q. Okay. You heard a shot earlier?

10 A. I did not physically hear the gunshot, but I was  
11 aware of a shot being fired, yes.

12 Q. How did you become aware of it?

13 A. Over my -- my unit radio.

14 Q. Did someone communicate that they heard a shot  
15 fired?

16 A. Yes, sir.

17 Q. And there had been a K-9 deployed?

18 MR. RAMIREZ: I would say it's vague and ambiguous.

19 But you may respond if you understand.

20 THE WITNESS: I'm -- it depends on what you're  
21 asking me. I'm aware of a K-9 being deployed now, but when I  
22 heard the shot report as being fired, I was not aware of the  
23 K-9 having been deployed yet. If that's makes sense.

24 BY MR. GALIPO:

25 Q. Okay. Yeah, that does.



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1 Q. Sure. It's my general understanding that some K-9s  
2 are like search dogs, some K-9s can bite and hold on command.

3 I didn't know if you had an understanding as to the  
4 K-9's capabilities that was involved?

5 A. So this particular dog is a -- we call it police  
6 service dog or Sheriff's service dogs.

7 So if it locates a suspect, yes, it may bite them.

8 Q. And at some point you saw the dog deployed?

9 A. Yes, sir.

10 Q. And if I'm understanding your testimony, you did not  
11 hear a gunshot, but you heard a communication over the radio  
12 after that, that a gunshot had been fired?

13 A. So I think I need to clarify again. The deployment  
14 of the dog that I personally witnessed was at the extreme  
15 southwest corner of this large containment that we had.  
16 After I witnessed that dog deployment, we kind of reallocated  
17 our resources. There was a separate deployment of the K-9  
18 and the shot fired that I was not a witness to.

19 Q. Okay.

20 A. If that makes sense.

21 Q. That does. Thank you for that clarification.

22 I guess what I'm wondering, did you have knowledge  
23 or information that after the shot had been fired, that the  
24 K-9 handler tried to call his dog back, and the dog did not  
25 come back?

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1 A. Yes, sir, I am.

2 Q. So one of the possibilities I'm sure you considered  
3 is that the dog may have been shot?

4 A. It was a consideration, yes.

5 Q. Was there any communication about that possibility  
6 that you recall over the police radio?

7 MR. RAMIREZ: Vague and ambiguous.

8 But you may respond if you understand.

9 BY MR. GALIPO:

10 Q. In other words, maybe he had shot the dog, or words  
11 to that effect?

12 A. Over the radio I don't recall any communication over  
13 the radio, no.

14 Q. Was there any communication about that that was not  
15 over the radio that you remember?

16 A. I don't remember if the words used were shot, but I  
17 spoke to Deputy Day after the shots were fired, and he was  
18 extremely upset that his dog was not recalling like he  
19 typically would.

20 So -- but I don't remember if he said something  
21 along the lines of, you know, my dog's been shot or something  
22 like that.

23 Q. Can you spell --

24 A. I'm sorry?

25 Q. No. I'm sorry. I cut you off.

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1 physically?

2 A. That so that was inside of our containment which is  
3 a pretty large containment, 20-plus acres, and it was near a  
4 old dilapidated boat, and it was near where K-9 Rudy was  
5 deployed by the tree line, if that makes any sense.

6 Q. So did you yourself ever see the female at any time  
7 before you fired your shot?

8 A. No, sir, I did not.

9 Q. And was the first time that you saw Mr. Llamas that  
10 day when you saw him with the gun to his head, or had you  
11 seen him previously?

12 A. The first time I saw him was when he came out of the  
13 tree line on the pavement side with the gun to his head.

14 That was the first time I physically saw him.

15 Q. And how long approximately had you been out in that  
16 location before you actually saw him?

17 A. I personally was there for approximately two  
18 hours.

19 Q. Do you have an estimate as to how many officers  
20 altogether were on-scene as of the time of the shooting?

21 A. I mean it was a lot. I would say at least 20.

22 Q. And were they mostly all from your department, the  
23 SWAT?

24 A. That's two questions. My department or SWAT.

25 My team is part of the Sheriff's Department.

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1 So most of them were Riverside County Sheriff, but  
2 there were a number of them that were not part of SWAT.

3 Q. So I would like to go back to the time frame  
4 immediately after this 60 seconds approximately when  
5 Mr. Llamas, I think, you told me was running northbound.

6 A. That's correct.

7 Q. And do you have an estimate as to how far he ran  
8 northbound, approximately?

9 A. Again, I would say 40 to 50 yards.

10 Q. And to your knowledge, were any shots fired as he  
11 was running northbound?

12 A. To my knowledge, no, sir.

13 Q. Did you think based on your training and experience,  
14 it was appropriate to shoot him as he was running  
15 northbound?

16 MR. RAMIREZ: Vague and ambiguous; incomplete  
17 hypothetical; lacks foundation.

18 But you can answer if you can.

19 THE WITNESS: As Mr. Llamas ran north from us, I  
20 couldn't physically see him at that time.

21 BY MR. GALIPO:

22 Q. Okay. Is that the entire time he was running north,  
23 or just part of it?

24 A. I would say the entire time because my first visual  
25 of him after he ran, he went out of sight because of the

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1 bushes and trees and things like that.

2 So when I crested the threshold of the driveway was

3 when I saw him again, and he was no longer running.

4 Q. Do you have an estimate as to how much time he was

5 out of your view before coming back into view?

6 A. Less than 30 seconds.

7 Q. And during that time frame, you were running I

8 assume also northbound?

9 A. No, sir. I ran eastbound.

10 I ran east to the threshold of the driveway.

11 Q. And what distance do you think you ran approximately

12 to get to the threshold of the driveway?

13 A. Again, 40 to 50 yards.

14 Q. And is this where the driveway meets the street?

15 A. Correct.

16 Q. And do you recall the name of the street?

17 A. River Road.

18 Q. And you gave me an address earlier.

19 Was that the address to that residence?

20 A. I'm pretty sure it is, yes, sir. 22240.

21 Q. Was there an airship overhead during this time

22 frame?

23 MR. RAMIREZ: Vague and ambiguous as to what time

24 frame.

25 MR. GALIPO: Well, the time frame we have been

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1 information about the gun to his head and his mouth.

2 And then once he was street side, and we saw him, I  
3 don't recall any communications from the helicopter at that  
4 point.

5 Q. What do you recall hearing about the female?

6 A. Just that she was fleeing in a direction different  
7 from him. He fled more in a northerly direction from where  
8 the shots were fired.

9 She fled kind of like easterly direction.

10 Q. So you're running to the mouth of the driveway, and  
11 there is another officer running near you?

12 A. Yes, sir.

13 Q. Can you remind me of the other officer's name  
14 again?

15 A. Deputy Jimmie McGuire.

16 Q. Okay. I couldn't read my own writing.

17 So thank you.

18 A. That's all right.

19 Q. Do you have happen to remember as you were  
20 approaching this driveway, whether Deputy mcGuire was ahead  
21 of you, behind you, or to one of your sides as you were  
22 running?

23 A. I believe he was off to my left side basically equal  
24 with me, not in front of or not really behind.

25 Q. And so you had some information of the direction of

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1 travel of Mr. Llamas from the airship?

2 A. At which point?

3 Q. Well, I think you said they said he was running  
4 north?

5 A. So again, he ran, that I know of, two different  
6 times. After the shot was fired in the tree line, he fled  
7 north to the paved road of River Road. That's where we saw  
8 him.

9 And then he fled again. Both times -- I'm sorry --  
10 both times he fled was mostly in a northerly direction.

11 Q. Did the -- when he fled the second time in a  
12 northerly direction when you and Deputy McGuire were running  
13 towards the driveway, was the airship continuing to broadcast  
14 where he was?

15 A. I'm sure they were, but I don't recall specifically  
16 what was said from them.

17 Q. Now, at some point he comes in view again; is that  
18 correct?

19 A. That's correct.

20 Q. And where were you in relation to the street or the  
21 mouth of the driveway when he came back into view?

22 A. I was in the mouth of the driveway probably ten feet  
23 north of the actual pavement, the paved roadway.

24 Q. So you're actually in the driveway?

25 A. Yes, sir.

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1 Q. About ten feet from the street?

2 A. Ten feet north of the pavement if that makes sense  
3 because it's -- the driveway's dirt.

4 Q. And was Deputy McGuire still to your left?

5 A. I believe he was at this time, yes.

6 Q. And then when you see Mr. Llamas again, where is  
7 he?

8 A. Directly in front of me to the north about 40 to 50  
9 yards north of me.

10 Q. I have a lot of 40 to 50 yards estimates.

11 A. I know.

12 Q. But if that's what it is, that's what it is.

13 A. That's my best estimate to be honest.

14 Q. If I watch a football game and the announcer says  
15 this part I usually punts between 40 and 50 yards, I'm going  
16 to remember this deposition.

17 A. All right. All right.

18 Q. Okay. So how much time passed from you seeing  
19 Mr. Llamas again in the driveway and you firing your shot?

20 A. I would say 15 seconds or less.

21 It was fairly quick.

22 Q. Did you hear other than -- I'm not talking about the  
23 shot that might have possibly be fired at the K-9, but when  
24 you were in the driveway, did you hear any shots being fired  
25 before your shot?



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1 A. Not before.

2 Q. Did you stop at some point in the driveway before  
3 you fired?

4 A. Yes, sir. It was right around that ten-foot mark is  
5 where I stopped.

6 Q. And you're saying you were stopped there for  
7 approximately 15 seconds or so?

8 A. It was less than that. As soon as I crested the  
9 mouth of the driveway and I turned to face north, is when I  
10 saw Mr. Llamas in front of me.

11 And I took maybe a couple steps, and then stopped.

12 Q. So I just want to make sure I'm understanding you.

13 When you see him again, so he comes in your vision  
14 again to the -- in the driveway to the time you fire your  
15 shot, how much time passed between those two points?

16 A. Again, I would say less -- it was pretty quick.

17 So I think I initially said 15 seconds.

18 It was probably less than that.

19 Q. Okay.

20 A. It was pretty quick.

21 Q. Did you hear Mr. Llamas say anything in that time  
22 frame between seeing him and firing your shot?

23 A. No, I did not.

24 Q. What was he initially doing when you first saw him  
25 in the driveway?

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1           A.    Yes, sir.  At the time the direction from my command  
2   was from Sheriff's Administration that our team was exempted  
3   from policy regarding body-worn cameras on SWAT operations.  
4   And at the time we had implemented that sergeants would wear  
5   them, and deputies at the time were not wearing them.

6           **Q.    Is that still the same now, or is that policy**  
7   **changed?**

8                   MR. RAMIREZ:  I'll object to relevance.

9                   But you may respond.

10                  THE WITNESS:  Our policy has now changed.

11   BY MR. GALIPO:

12           **Q.    And is it changed so that everyone has body-worn**  
13   **cameras, or is it changed so that the sergeants don't**  
14   **either?**

15           A.    It's changed to where everybody wears one.

16           **Q.    Okay.  So going back to the driveway when he comes**  
17   **back into view, it sounds like you stopped in that position**  
18   **you talked about, ten feet from the roadway?**

19           A.    Yes, sir.

20           **Q.    And that Deputy McGuire, I think, would be somewhere**  
21   **to your left?**

22           A.    That's correct.

23           **Q.    And at this point when Mr. Llamas comes back into**  
24   **your view, he is like 40 or 50 yards from you?**

25           A.    That's correct.

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1 Q. And initially, when you see him he is walking, and  
2 he still has the gun to the right side of his head?

3 A. Yes, sir.

4 Q. Do you give him any commands in between seeing him  
5 and you firing your shot?

6 A. No, I do not.

7 Q. Do you know if Deputy McGuire gave him any commands  
8 in that time frame?

9 A. I don't believe so.

10 Q. Did either one of you give him any verbal warning  
11 that you were going to shoot him?

12 A. No, I did not.

13 Q. Di you know if the airship was giving him any  
14 commands after you saw him in the driveway?

15 A. I'm unaware of him given commands at that point.

16 Q. Which compass direction would you have been facing  
17 when you were in the driveway as you described?

18 A. Basically northerly direction.

19 Q. And when you first saw him you said he was walking;  
20 correct?

21 A. Correct.

22 Q. Which direction compass-wise was Mr. Llamas  
23 walking?

24 A. In a westerly direction.

25 Q. So he would be walking from your right-to-left.

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1 Do I have that correct?

2 A. That's correct.

3 Q. And for how long of a period of time did you see the  
4 gun to his head after he reappeared, but before you fired  
5 your shot?

6 A. Just a couple of seconds.

7 Again, it was very, very quick.

8 Q. So when you told me 15 seconds earlier, that  
9 probably was a little bit on the long side?

10 A. Absolutely. The time that I reacquired Mr. Llamas  
11 in the mouth of the driveway to the time that I fired was  
12 very, very fast. I don't know the exact time frame.

13 Q. Okay. Obviously, I'm not expecting exact, but can  
14 you give me like a range?

15 Are we talking like two to three seconds?

16 I mean when you say very fast, what do you think?

17 A. I would say five seconds or less.

18 Q. Okay. And during some of that time frame, you saw  
19 the gun to his head?

20 A. That's correct.

21 Q. And did you see the gun move from that position at  
22 some point?

23 A. Yes, sir, I did.

24 Q. And how did you see the gun move?

25 A. As Mr. Llamas was walking in a westerly direction,

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1 he kind of bladed his upper body towards Mr. Deputy McGuire  
2 and I, towards our location, and the gun dropped from  
3 basically this to more this where he's pointed it directly at  
4 our position.

5 Q. Okay. So when you say bladed, would he -- are you  
6 saying he kind of turned slightly to his left?

7 A. That's correct.

8 Q. And you're saying the gun came from a position on  
9 the right side of his head, and it lowered down so it was  
10 coming in your direction?

11 A. That's correct.

12 Q. Based -- again, based on your training and  
13 experience, do you think it would have been appropriate to  
14 shoot Mr. Llamas in the driveway if the gun had stayed up to  
15 the right side of his head?

16 A. If Mr. Llamas had kept the gun just pointed at his  
17 head, no, it would not have been appropriate to fire.

18 Q. And is that for the same reasons we discussed  
19 earlier, because you wouldn't have an immediate threat of  
20 death or serious bodily injury if that was the case?

21 A. Yes, sir.

22 Q. You don't recall any commands given to Mr. Llamas to  
23 drop it, meaning, drop the gun after you saw him in the  
24 driveway?

25 A. There were commands given to him to drop the weapon

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1 before he fled north again, but when we reacquired him when I

2 was in the driveway, there were not additional commands,

3 no.

4 Q. Okay. Now your weapon that you had, are you  
5 familiar with that weapon?

6 A. Are you talking about the weapon I used for the  
7 actual shooting? Because I was in possession of two weapons  
8 at the time.

9 Q. Yeah. The one used for the shooting.

10 A. Yes, sir. I'm familiar with it.

11 Q. Did you also have a handgun?

12 A. That's correct.

13 Q. What caliber was that?

14 A. 9-millimeter.

15 Q. Okay. I'm sure you are familiar with both weapons;  
16 is that fair?

17 A. Yes, sir.

18 Q. And have you taken the 556 to the shooting range  
19 before?

20 A. Absolutely. Yes, sir.

21 Q. And given your knowledge of that weapon, do you have  
22 an understanding as to how many shots in a second you can  
23 fire from that weapon?

24 A. I'm trained on that, yes, sir.

25 Q. And what is your understanding of the capability of

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1 the weapon?

2 A. Of how many rounds I can round per second?

3 Q. Yes.

4 A. I would say between six and eight rounds per  
5 second.

6 Q. And is that something you know from actual training  
7 and experience?

8 A. Yes, sir. And that's accurate rounds, not just  
9 pulling the trigger.

10 Q. Accurate rounds?

11 A. That's correct.

12 Q. And in this case you're saying you only fired one  
13 round?

14 A. That's correct.

15 Q. And why did you only fire one round?

16 A. When I fired my one round Mr. Llamas immediately  
17 went down. As he went down I could see that he was still  
18 moving around, but I could no longer see the weapon.

19 I couldn't see his hands or anything like that.

20 So I no longer could see that he was an immediate  
21 threat to myself or anybody else at that moment.

22 Q. And were you still standing in this position in the  
23 driveway you described?

24 A. That's correct.

25 Q. And Deputy McGuire was still generally to your

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1 Q. So would it be correct to say you never had the  
2 impression that Mr. Llamas was firing at you?

3 A. That's correct.

4 Q. At some point you became aware that Deputy McGuire  
5 was firing?

6 A. I knew that Deputy McGuire and I -- when I fired,  
7 Deputy McGuire fired pretty much simultaneous to me.

8 Q. And so with respect to Deputy McGuire, there would  
9 have been two volleys of shots?

10 A. That's correct.

11 Q. And how much time would you estimate separated the  
12 first volley of shots from Deputy McGuire to the second  
13 volley?

14 A. Two to three seconds.

15 Q. And during that two to three seconds was Mr. Llamas  
16 on the ground?

17 A. Yes, sir.

18 Q. And he was still 40 to 50 yards away?

19 A. That's correct.

20 Q. Is your vision pretty good as far as you know?

21 A. Yes, sir. It's pretty good.

22 MR. RAMIREZ: As far as he can see.

23 BY MR. GALIPO:

24 Q. Do you wear or are you required to wear corrective  
25 lenses?



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1 BY MR. GALIPO:

2 Q. So three to four in the first volley by Deputy  
3 McGuire, and also approximately three to four in the second  
4 volley?

5 A. That's correct.

6 Q. Was anything said by either you or Deputy McGuire to  
7 Mr. Llamas between Deputy McGuire's first volley and second  
8 volley?

9 A. No, sir.

10 Q. And you would have observed Mr. Llamas go to the  
11 ground?

12 A. I would have observed? I saw --

13 Q. No. You did observe that?

14 A. I did.

15 Q. Was it your impression that he was struck by at  
16 least one of the shots when he went to the ground?

17 A. Yes, sir.

18 Q. And then how did his body position end up on the  
19 ground?

20 In other words, was he on his back, his chest-down,  
21 or in some other position?

22 A. I didn't have a clear visual of Mr. Llamas at this  
23 point when he was down. Just I could see that he was kind of  
24 moving around. I could see like his body movement.

25 I couldn't see his actual positioning whether it was

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1 prone or on his back or anything. I couldn't see that.

2 Q. What part of his body could you see?

3 A. Like I could see his knees for sure kind of moving  
4 around.

5 Q. Do you know if you could see his head or face?

6 A. I could not.

7 Q. Were you looking at him when he was on the ground  
8 immediately after he went down?

9 A. Yes, sir.

10 Q. And was your gun still pointed in his direction?

11 A. General direction, yes.

12 Q. Did you see him pointing a gun at you or Deputy  
13 McGuire after he went to the ground?

14 A. I did not see that, no.

15 Q. Did you see a gun in his hand after he went to the  
16 ground and before Deputy McGuire fired his second volley?

17 A. No, sir.

18 Q. Did you see any gun in his hand or around Mr. Llamas  
19 during the time frame Deputy McGuire fired his second  
20 volley?

21 A. Can you restate the question?

22 Q. Sure. During the shots, so during the second volley  
23 of shots, did you see Mr. Llamas with a gun in his hand?

24 A. No, sir.

25 Q. At any time on-scene after the shooting, did you

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1 Q. How long did you stay on-scene after the shooting?

2 A. This is a rough estimate, 20 to 30 minutes-ish.

3 I don't recall. I had to assist patrol with a  
4 couple of things, and I honestly I would say 20 to 30  
5 minutes.

6 Q. And you indicated, I think, that you have seen some  
7 of the video footage, and you were permitted to watch some of  
8 it before you gave your interview?

9 A. The interview after, yes, sir.

10 Q. In terms of your training on tactics, are you  
11 generally trained if you believe someone's armed with a  
12 firearm, to try to have access to positions of cover if you  
13 can?

14 A. If the situation allows for it, yes.

15 It's obviously ideal to have some position of cover  
16 and concealment.

17 Q. Is that one of the reasons you were using the car  
18 for some partial cover earlier in the incident?

19 A. Yes, sir.

20 Q. In terms of commands, are you generally trained to  
21 give commands in a loud, clear voice if you can?

22 A. Yes, sir.

23 Q. And are you trained to give the person an  
24 opportunity to comply with the commands if you can safely do  
25 so?

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1 A. Yes, sir.

2 Q. With respect to deadly force, are you generally  
3 trained that deadly force should only be used if there is an  
4 immediate or imminent threat of death or serious bodily  
5 injury?

6 A. That's correct.

7 Q. And as part of that training, are you trained that  
8 that essentially means that the person has the ability,  
9 opportunity, and apparent intent to immediately cause death  
10 or serious bodily injury?

11 A. Yes, sir. That's correct.

12 Q. And are you generally trained if those requirements  
13 are not there, in other words, there is not an immediate  
14 threat of death or serious bodily injury, then deadly force  
15 should not be used?

16 A. That's correct.

17 Q. And are you trained that officers have to be able to  
18 justify each shot when using deadly force?

19 A. We're trained to, yes, sir.

20 Q. Are you trained that a verbal warning that you're  
21 going to use deadly force should be given when feasible?

22 A. When feasible, yes, sir.

23 Q. And I think you've already told me this, but you  
24 would agree under the facts of this case based on your  
25 training, it would not have been appropriate to shoot

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1 Mr. Llamas for running away with and holding the gun to his  
2 head if it had stayed in that position?

3 MR. RAMIREZ: Asked and answered.

4 But you may respond.

5 THE WITNESS: That's correct. Based on what your  
6 question is, if he had just kept the gun in his head, that in  
7 and of itself would not have allowed for deadly force.

8 BY MR. GALIPO:

9 Q. And running away in and of itself under these facts  
10 would not have been sufficient based on your training to  
11 shoot him; is that fair?

12 A. I would say that's fair.

13 Q. Okay.

14 MR. GALIPO: We're going to try, Gene, just to show  
15 a few of these videos.

16 MR. RAMIREZ: Okay.

17 MR. GALIPO: And I'm going to have Ms. Shannon Leap  
18 help me with that.

19 Hopefully, this will show, so everybody could see  
20 it.

21 Which one you want to start with, Shannon?

22 MS. LEAP: I have the overhead one ready to go if  
23 you want to start with that.

24 MR. GALIPO: Okay. We'll mark that as Exhibit 1.

25 I think, Sergeant, this is the overhead view from

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1 him?

2 A. I was under the impression he was struck by gunfire,  
3 yes. Whether it was mine, that, I don't know that.

4 Q. And when he was on the ground, you continued to  
5 maintain a visual on him?

6 A. That's correct.

7 Q. And he still would have been this 120 to 150 feet  
8 away?

9 A. Correct.

10 Q. And at that point when he was on the ground, you're  
11 saying you did not see a gun or a gun pointed in your  
12 direction or coming in your direction; is that fair?

13 MR. RAMIREZ: Misstates his testimony.

14 But you may respond.

15 THE WITNESS: When he is on the ground, I did not  
16 see the weapon going towards me. Prior to the shooting, I  
17 did see the weapon moving towards me.

18 BY MR. GALIPO:

19 Q. Right. But when he was on the ground after the  
20 first group of shots, did you see a weapon at all in his hand  
21 whether it was pointed towards you, moving towards you, or  
22 just in his hand?

23 A. At which point?

24 Maybe I misunderstood your question.

25 Q. That's okay. So after the first -- after your shot

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1 and Deputy McGuire's shot, he goes to the ground, and for the  
2 next five seconds, ten seconds you're maintaining a visual on  
3 him; correct?

4 A. Yes.

5 Q. During that next five or ten seconds, did you see a  
6 gun in his hand at all?

7 A. So I believe I stated that the time lapse between my  
8 first volley and the second volley was two to three  
9 seconds.

10 Q. Right. Now I'm moving forward to when he was on the  
11 ground.

12 A. Okay.

13 Q. So let me break it down. After he went to the  
14 ground, but before you heard the second volley two or three  
15 seconds later, did you see any gun in his hand?

16 A. No.

17 Q. During the second volley did you see any gun in his  
18 hand?

19 A. No, sir.

20 Q. Immediately after the second volley, did you see any  
21 gun in his hand?

22 A. Not immediately after, no, sir.

23 Q. And are you saying from the distance you were at  
24 after he went to the ground, you could not tell what position  
25 he was on the ground?

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1 coming in your direction.

2 Did I misunderstand you?

3 A. I think you're misunderstanding my second with what  
4 Mr. Ramirez just asked me, is when I fired my round, the  
5 weapon was not directly pointed at me.

6 It was the muzzle of the weapon was moving towards  
7 our direction. After all shots were fired and we approached  
8 him, that's when I saw the weapon in his hand and the muzzle  
9 pointed straight at us.

10 Q. Okay. Did you ever see the gun pointed at you  
11 before you fired?

12 A. Not directly at me, no, sir.

13 Q. Did you ever see the gun pointed at you during the  
14 first volley of shots including your shot and Deputy  
15 McGuire's shots?

16 A. Not directly at me, no, sir.

17 Q. And I think you already told me this, but you didn't  
18 see the gun pointed at you during the second volley; is that  
19 correct?

20 A. That's correct.

21 Q. And if I also understand your testimony, you're  
22 saying that him having the gun to his head or running away  
23 based on your training would not justify shooting him; there  
24 had to be more than that?

25 A. In a hypothetical, yes. But in this particular



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1 situation we did have more than that, but the gun to his head  
2 alone is not justification for lethal force.

3 Q. And you're saying if the gun was not moving in your  
4 direction, then based on your training and experience you  
5 would not have shot?

6 A. I would not have shot, no.

7 Q. Okay.

8 MR. GALIPO: Gene, did you have any further  
9 follow-up?

10 MR. RAMIREZ: Yes.

11 EXAMINATION

12 BY MR. RAMIREZ:

13 Q. When the lieutenant -- when Mr. Galipo asked you  
14 about the lieutenant saying tag him or something of that  
15 nature, did you take that as an order that you have to shoot  
16 right then and there?

17 A. No, sir.

18 Q. Do you still have to make the individual decision as  
19 to why you can press the trigger and shoot someone?

20 A. Yes, sir. It's up to each individual officer to  
21 justify when they pull the trigger.

22 They cannot be given the order to do so.

23 Q. And are you trained that you have to allow the  
24 suspect to shoot at you before you're allowed to defend  
25 yourself with deadly force?

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CERTIFICATE

OF

CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

I, JINNA GRACE KIM, CSR No. 14151, a Certified  
Stenographic Shorthand Reporter of the State of California,  
do hereby certify:

That the foregoing proceedings were taken before me  
at the time and place herein set forth;

That any witnesses in the foregoing proceedings,  
prior to testifying, were placed under oath;

That a verbatim record of the proceedings was made  
by me, using machine shorthand, which was thereafter  
transcribed under my direction;

Further, that the foregoing is an accurate  
transcription thereof.

I further certify that I am neither financially  
interested in the action, nor a relative or employee of any  
attorney of any of the parties.

IN WITNESS WHEREOF, I have subscribed my name, this  
date: December 18, 2024.



Jinna Grace Kim, CSR No. 14151